

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claims 89-113 are currently pending in the present application, of which claims 89-94, 98-104 and 108 are being amended, and claims 109-113 are newly added. Claims 89, 98, and 108 are independent claims. None of the amended claims and the newly added claims are drawn to new matter.

Claims 93 and 103 stand rejected under 35 USC § 112, second paragraph, as being allegedly indefinite for not being clear as to whether the recitation of “said displaying steps” in each of claims 93 and 103 refers to “displaying a window” or “displaying a representation of the object in the window,” recited in claims 89 and 98, respectively. The basis for rejecting 93 and 103 are being removed by amending each of those claims to change the phrase “said displaying step” to “said step of displaying the window.”

In addition, Claims 98-107 are each objected to on account of typographical errors found by the Examiner in lines 12 and 13 of Claim 98. Each of the typographical errors in Claim 98 is being corrected so as to avoid the Examiner’s objections to Claims 98-107.

Claims 89-92, 98-102 each stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,977,966 to Bogdan.

As amended, Claim 89 now requires, *inter alia*, “detecting positioning of a pointing device over the soft control, said positioning designating the soft control; displaying a window upon designation of the soft control; displaying a representation of the object in the window; and animating the displayed representation of the object to mimic an object on the attribute of a nominal adjustment of the soft control, said animation being

presented in the window as a training preview exemplifying the nature of change in said attribute that can be expected to arise from adjustment of the soft control.”

The requirement in amended Claim 89 of “detecting positioning of a pointing device over the soft control, said positioning designating the soft control” refers to positioning of the pointing device over the soft control for the purpose of designating the soft control, without actuating the soft control. As explained on page 11, lines 11-13 of the present application, this is referred to as “passive designation,” which does not adjust the soft control without further action by the user. As a result of such “passive designation,” the steps of “displaying a window ...; displaying a representation of the object in the window; and animating the displayed representation of the object to mimic an effect on the attribute of the nominal adjustment of the soft control, said animation being presented in the window as a training preview exemplifying the nature of change in said attribute that can be expected to arise from adjustment of the soft control,” without the user actually adjusting the “soft control.”

By contrast, Bogdan discloses that a user may click on either the upward arrow or the downward arrow of an “Element Size” control in Fig. 5 of Bogdan to either increase or decrease the Element Size, respectively, (see col. 5, lines 15-18 of Bogdan). Accordingly, Bogdan discloses actual adjustment of a control resulting in an actual change of an attribute of an object, for example the “Elements Size.” There is no disclosure in Bogdan of “displaying a window upon designation of the soft control”; “displaying a representation of the object in the window; or animating the displayed representation of the object to mimic an effect on the attribute of a nominal adjustment of the soft control, said animation being presented in the window as a training preview exemplified the nature of

change in said attribute that can be expected to arise from adjustment of the soft control,” as called for in amended Claim 89. Accordingly, amended Claim 89 is novel over Bogdan.

Amended Claim 90 depends from Claim 89 and is, therefore, also novel over Bogdan for the same reasons as set forth above for the novelty of Claim 89 over the same reference. In addition, amended Claim 90 has the further requirement of “wherein the animating step mimics an effect on the attribute by varying a corresponding attribute of the displayed representation over a part of the range of attribute values.” This additional requirement of amended Claim 90 is also not disclosed in Bogdan, which does not teach displaying a preview animation of a designated soft control to show the user the effect of adjusting the soft control.

Amended Claim 91 also depends from Claim 89 and is, therefore, novel over Bogdan for the same reasons set forth above for the novelty of amended Claim 89 over the same reference.

Amended Claim 92 also depends from amended Claim 89 and, therefore, is novel over Bogdan for the same reasons as set forth above for the novelty of amended Claim 89 over the same reference.

Amended Claim 98 is a computer readable medium claim counterpart of amended method Claim 89, and has similar limitations to those of amended method Claim 89. Therefore, amended Claim 98 is also novel over Bogdan for reasons similar to those set forth above for the novelty of amended Claim 89 over the same reference.

Amended Claim 108 is an apparatus claim counterpart to amended method Claim 89, and has similar limitations to those of amended Claim 89. For this reason,

amended Claim 108 is also novel over Bogdan for the reasons similar to those set forth above for the novelty of amended Claim 89 over the same reference.

Claims 93-97 and 103-107 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bogdan and U.S. Patent No. 6,542,163 to Gorbet et al.

With regard to Claims 93 and 103, the Examiner admits that Bogdan does not teach that the displaying step is capable of being one of enabled and inhibited, but argues that such feature is known in the art and that it would have been obvious to one of ordinary skill in the art, having the teachings of Bogdan and Gorbet et al. before him at the time applicant's invention was made to modify Bogdan to provide for enabling or inhibiting displaying of the superimposed window, as taught by Gorbet et al. "with the motivation of being able to control the display of the preview window."

Amended Claim 93 depends from amended Claim 89, which is directed to "[a] method for providing active user feedback in a graphic user interface including an adjustable soft control able to change an attribute or an object over a continuous range of attribute values" Applicant is unable to find any mention in Gorbet et al. of "an adjustable soft control able to change an attribute of an object over a continuous range of attribute values," and is, therefore, not directed to the subject matter of Claims 93-97 and 103-107.

Notwithstanding this impediment for combining the teachings of Bogdan and Gorbet et al., the deficiencies of Bogdan when applied to amended Claim 89, as described out above, are not removed by Gorbet et al.

There is no teaching or suggestion in Gorbet et al. of "detecting positioning of a pointing device over the soft control, said positioning designating the soft control; ...

displaying a representation of the object in the window;” or “animating the displayed representation of the object to mimic an effect on the attribute of a nominal adjustment of the soft control, said animation being presented in the window as a training preview exemplifying the nature of the change in said attribute that can be expected to arise from adjustment of the soft control,” as called for in the parent of amended Claim 93.

Accordingly, amended Claim 93 is patentable over Bogdan and Gorbet et al.

Amended Claim 94 also depends from amended Claim 89 and, therefore, patentable over Bogdan and Gorbet et al. for the same reasons as explained above for the patentability of amended Claim 89 over those two references.

Moreover, amended Claim 94 has the additional requirements of “... a step of displaying a representation of the adjustable soft control; and the animating step further comprises showing, in ghost form in the window, said nominal adjustment of the soft control corresponding to the animation of the displayed representation.” Neither Bogdan nor Gorbet et al. disclose or suggest “a step of displaying a representation of the adjustable soft control,” as called for in amended Claim 94. Bogdan discloses only displaying the actual adjustable soft control rather than a representation thereof, and Gorbet et al. does not disclose or suggest “an adjustable soft control,” within the meaning of applicant’s claims, *i.e.*, a soft control able to change an attribute of an object over a continuous range of attribute values. Furthermore, neither Bogdan nor Gorbet et al. disclose or suggest “the animating step further comprises showing, in ghost form in the window, said nominal adjustment of the soft control corresponding to the animation of the displayed representation.” Although Gorbet et al. mentions showing the tip message in ghost form in the tip window, there is no mention in that reference of showing in ghost or non-ghost form

any nominal adjustment of the soft control corresponding to the animation of the displayed representation of a change in an attribute of an object. For these reasons, the additional requirements of amended Claim 94 makes the claim further patentability distinguishable over Bogdan and Gorbet et al.

Claim 95 also depends from amended Claim 89 and is, therefore, patentable over Bogdan and Gorbet et al. for the same reasons as explained above for the patentability of amended Claim 89 over those same two references.

Claim 96 depends from Claim 95 and is, therefore, patentable over Bogdan and Gorbet et al. for the same reasons as set forth above for the patentability of amended Claim 95 over those same two references.

Claim 97 also depends from amended Claim 89 and is, therefore, patentable over Bogdan and Gorbet et al. for the same reasons as given above for the patentability of amended Claim 89 over those same two references. Furthermore, Claim 97 has the additional requirement of “further comprising the step of coupling another soft control to said soft control, wherein the change implementable by the soft control is dependent upon a current setting of the other soft control. The Examiner’s reliance on the disclosure in Bogdan at col. 5, lines 8-19 the dependance of the “Element Size” soft control and the “Menu Height”, as shown in Fig. 5 of that reference, is incorrect because the “Element Size” is coupled to the “Menu Height” only in that the former is an adjustable attribute of the latter, which is the object. In addition, the window labeled “Menu Height” is a drop-down list box of discrete menu elements and, therefore, cannot correspond to “an adjustable soft control able to change an attribute of an object over a continuous range of attribute values,” as the term “soft control” is used in Claim 97.

Claims 104-107 are computer readable medium claim counterparts of method Claims 93-97, respectively, each having similar limitations to those of its counterpart method claim. Therefore, each of Claim 104-107 is patentable over Bogdan and Gorbet et al. for the reasons similar to those given above for the patentability of each of method Claims 93-97, respectively, over those same two references.

New Claim 109 depends from amended Claim 89 and is, therefore, patentable over Bogdan and Gorbet et al., taken singly or in combination, for the same reasons as explained above for the patentability of amended Claim 89 over those same two references. In addition, new Claim 109 has further requirement of “animating the displayed representation of the object in response to the detecting step, said animation being presented in the window as a preview exemplifying of change in said attribute that can be expected to arise from said adjusting of the soft control.” Neither Bogdan nor Gorbet et al. disclose or suggest this additional requirement of new Claim 109, which makes the claim further patentably distinguishable over those two references.

New Claim 110 depends from new Claim 109 and is, therefore, patentable over Bogdan and Gorbet et al. for the same reasons as explained above for the patentability of new Claim 109 over those same two references, taken singly or in combination. Moreover, new Claim 109 has the further requirements of “releasing the designation of the soft control; and changing a display of the actual object in a display area of the graphical user interface in response to releasing the soft control.” Neither Bogdan nor Gorbet et al. teach or suggest either of these additional requirements of new Claim 110. As already explained, Bogdan does not disclose “designation of the soft control,” within the meaning of the present application, *i.e.*, passive designation, and for that reason also does not

disclose “releasing the designation of the soft control,” or “changing a display of the actual object in a display area of the graphical user interface in response to the releasing of the soft control.” As also already explained above, Gorbet et al. does not disclose or suggest any “soft control” within the meaning of that term in the present application, *i.e.*, soft control continuously adjustable over a range of attribute values of an object, and, therefore, also does not disclose “releasing the designation of the soft control,” or “changing a display of the actual object in a display area of the graphical user interface in response to the releasing of the soft control.” Accordingly, the additional requirements called for in new Claim 110 makes the claim further patentably distinguishable over Bogdan and Gorbet et al., singly or in combination.

New Claim 111 depends from amended Claim 98 and is, therefore, patentable over Bogdan and Gorbet et al. for the same reasons as given above for the patentability of amended Claim 98 over those same two references. Moreover, new Claim 110 has an additional requirement of “code for animating the displayed representation of the object in response to the adjusting step, said animation being present in the window as a preview exemplifying the effect of change in said attribute that can be expected to arise from said adjusting of the soft control.” For reasons similar to those already explained in connection with distinguishing Claim 109, neither Bogdan nor Gorbet et al. disclose or suggest this additional requirement of new Claim 111, which makes the claim further patentably distinguishable over those two references, whether taken singly or in combination.

New Claim 112 depends from new Claim 111 and is, therefore, patentable over Bogdan and Gorbet et al. for the same reasons as set forth above for the patentability

of new Claim 111 over those same two references, taken singly or in combination. Furthermore, new Claim 112 has the additional requirements of “code for releasing the designation of the soft control; and code for changing a display of the actual object in a display area of the graphical user interface in response to releasing of the soft control.” For reasons similar to those already explained in connection with distinguishing the additional requirements of new Claim 110, neither Bogdan nor Gorbet et al., taken singly or in combination disclose or suggest the additional requirements of new Claim 112.

New Claim 113 depends from amended Claim 108 and is, therefore, patentable of Bogdan and Gorbet et al. for the same reasons as given above for the patentability of amended Claim 108 over those same two references. In addition, new Claim 113 has the additional requirements of “designation release controller for controlling releasing the designation of the soft control; and object display controller for controlling changing a display of the actual object in a display area of the graphical user interface in response to the releasing of the soft control.” For reasons similar to those given in connection with the additional requirements of new Claim 110, neither Bogdan nor Gorbet et al. disclose or suggest the additional requirements new Claim 113. Accordingly, the additional requirements of new Claim 113 makes that claim further patentably distinguishable over Bogdan and Gorbet et al., whether taken singly or in combination.

For all of the above reasons, each of Claims 89-92, 98-102 and 108, as amended, is patentable over Bogdan, each of Claims 93-97 and 103-107, as amended, is patentable over Bogdan and Gorbet et al., and each of new Claims 109-113 is patentable over Bogdan and Gorbet et al., singly or in combination.

The prior art made of record on Form PTO-892 but not relied upon have all been carefully considered. Applicant earnestly believes that each of pending Claims 93-113 is patentable over all prior art made of record in the present application, whether taken singly or in combination.

In light of the foregoing, applicant respectfully requests allowance of Claims 93-108, as amended, and new Claims 109-113, and the passage of the present application to issue.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

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